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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRACI L. MARTIN, an individual;
VICKIE A. HOOD, an individual,

Plaintiffs,

vs.

INTERNATIONAL HOUSE OF PANCAKES,
LLC, a foreign Limited Liability Company;
FARSHAD ASHOORI, an individual;
RAINBOW 1606, INC., a Nevada corporation
doing business as IHOP; DOES I through X
inclusive, and ROES CORPORATIONS XI
through XX, inclusive,

Defendants.

Case No. 2:16-cv-02097-JCM-VCF

**DEFENDANTS RAINBOW 1606, INC.
DBA IHOP AND FARSHAD ASHOORI'S
REQUEST FOR EXCEPTION TO EARLY
NEUTRAL EVALUATION SESSION
ATTENDANCE REQUIREMENTS;
~~PROPOSED~~ ORDER**

COME NOW Defendants Rainbow 1606, Inc. dba IHOP and Farshad Ashoori, by and through their legal counsel, the law firm of Tyson & Mendes LLP, and hereby submit their Request for exception to the insurance carrier's (Crum & Forster) attendance at the Early Neural Evaluation Conference (ENE) currently set for December 20, 2016.

The insurance carrier for Rainbow 1606, Inc. is Crum & Forster, which is located in Morristown, New Jersey. The insurance representative, Anne Foersch, works out of the



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1 Morristown, New Jersey office. (*See* Declaration of Anne Foersch in Support of Request for
 2 Exception to Early Neutral Evaluation Session Attendance Requirements (hereinafter referred to
 3 as “Foersch Decl.”) ¶ 2.) It would be hardship for Ms. Foersch to attend the ENE in person
 4 because this would entail her being on the road for three days (2 days of travel to/from Las
 5 Vegas) which is extremely difficult for her due to her claim load, and ongoing matters that she is
 6 handling. (*Id.* at ¶ 4.) Moreover, Ms. Foersch cannot send another person in her place as she is
 7 the person responsible for this matter. (*Ibid.*)

8 As the insurance representative has indicated, she is providing settlement authority to
 9 defense counsel Tyson & Mendes prior to the ENE, and she will be available via telephone both
 10 during and after her work hours for the entire length of the ENE. (*Id.* at ¶ 5.) Ms. Foersch will
 11 further provide defense counsel additional settlement authority, if necessary, to effectuate
 12 resolution of this matter. (*Ibid.*)

13 Defendants and their counsel will appear in person at the ENE. Defendants and their
 14 counsel submit that the ENE can proceed without the in person appearance of the insurance
 15 representative, and are comfortable with having the insurance representative available via
 16 telephone throughout the ENE.

17 Defendants’ counsel has discussed the matter with Plaintiffs’ counsel who has no
 18 objection to the insurance representative (Anne Foersch) participating via telephone.

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1 Defendants therefore request that the insurance representative (Anne Foersch) be
2 exempted from attending the ENE in person, and be allowed to participate in the ENE via
3 telephone.

4 DATED this 20th day of October 2016.

5 TYSON & MENDES LLP

6 /s/ Thomas E. McGrath

7 THOMAS E. MCGRATH

8 Nevada Bar No. 7086

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10 REGINA SILVA (*pro hac vice application to*
11 *be submitted*)

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15 *Attorneys for Farshad Ashoori and*
16 *Rainbow 1606, Inc. dba IHOP*

17 **IT IS SO ORDERED.**

18 Dated this 24th day of October 2016.

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21 United States Magistrate Judge
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